

THOMASSET et al
Appl. No. 10/591,117
May 26, 2009

AMENDMENTS TO THE DRAWINGS

In accordance with the helpful comments of the Examiner, the drawings have been amended as reflected on the attached Replacement Sheets. No new matter has been added.

Attachment: Replacement Sheets

REMARKS

With the entry of the foregoing amendments, claims 1-8 are pending in the application.

At the outset, applicant thanks the Examiner for the courtesies extended during the telephone interview on May 4, 2009. In this regard, applicant agrees with the Interview Summary.

The claims have been amended as discussed during the telephone interview, i.e., the claimed doses have a functional layer with a novel and nonobvious shape before compression molding. The claimed invention yields molded objects with superior barrier properties. The amendments are supported by the specification and figures, e.g., page 9, line 23 to page 10, line 25.

Claims 1, 2, 4 and 5 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Kawaguchi (JP 02098415). Applicant requests the withdrawal of this rejection for at least the following reasons.

The claimed invention requires, among other things:

a dose containing a functional layer "wherein the functional layer forms the shell of a body of revolution about the axis of symmetry and in that the distance from the functional layer to the axis of symmetry is variable as measured before compression molding."

In contrast, Kawaguchi teaches that the distance from its layer to the axis of symmetry is equal (not variable) before any compression molding. See, e.g., Figure 4, reference no. 114. Indeed, this teaches away from the claimed invention. There is no

Kawaguchi suggestion or motivation to use a variable distance of a functional layer prior to compression molding. Thus, the rejection should be withdrawn.

Claim 3 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Kawaguchi in view of Akiyama (US 2002/0182351); claims 6-8 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Kawaguchi in view of Langecker (USP 4883630); and claim 8 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Kawaguchi in view of O'Mara (USP 4390487). All of these rejected claims have the same critical features discussed above, as well as additional features. These rejections should be withdrawn because the primary reference teaches away from the claimed invention. The secondary references cannot overcome this deficiency under any obviousness theory because, to do so, would destroy the teachings of the primary reference.

In view of the foregoing amendments and remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

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